

Before the
Federal Communications Commission
Washington, D.C.

In the matter of)	
)	
Protecting Consumers from Unauthorized Carrier)	CG Docket Number 17-169
Changes and Related Unauthorized Charges)	

COMMENTS

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Introduction and Summary

These comments are to the Slamming and Cramming Notice of Proposed Rule Making¹. I comment as an individual consumer of telephone services; I have no connection with any company in the telephone business or any company which has been accused of slamming or cramming.

The Commission should ban misrepresentations on the sales calls

As proposed in the NPRM² the Commission should ban misrepresentations on the sales calls and require that any misrepresentation or deception would invalidate any subsequent verification of a carrier change, even where the submitting carrier purports to have evidence of consumer authorization. The rule against misrepresentation should also apply to statements about the Third Party Verification (TPV).

Carriers should also be prohibited from charging consumers for services resulting from misrepresentation on sales calls. This is the most effective, and likely the only, means to eliminate deliberate misrepresentations on sales calls.

Sales calls should be recorded

The commission should require that all sales calls be recorded.³ If the sales call results in the consumer agreeing to change carriers the recording of the sales call should be retained for the same period as the resulting TPV recording. The recording of sales calls will benefit consumers by deterring a caller from making a deliberate misrepresentation and by providing the consumer with the ability to prove misrepresentation that does happen.

Third Party Verification should be retained

TPVs are an effective method of preventing slamming and should be retained for carrier change made as a part of sales calls.⁴ Eliminating TPVs provides no benefit to consumers.

The possibility of falsification of TPVs would be reduced if the Commission's rules required that the consumer affirmatively states all telephone numbers to be switched. This requirement would make it more difficult for the TPV to be falsified.

Other ways the TPV can be improved would be to require that the third party verifiers be certified by the commission, prohibiting any party who would benefit or be harmed from a

¹ *Protecting Consumers from Unauthorized Carrier Changes and Related Unauthorized Charges*, CG Docket No. 17-169, Notice of Proposed Rulemaking, FCC 17-91 (July 14, 2017) (NPRM).

² NPRM para. 12

³ See NPRM paras. 30, 31

⁴ See NPRM paras. 33, 34

change from choosing the verifier, and requiring that the executing carrier “double check” the proposed change with the consumer as discussed in the NPRM⁵.

I do not believe that a requirement that the executing carrier confirm a change with the consumer would violate Sec. 222⁶ of the Communications Act because of the exception at Sec. 222(d)(2) of the Act if the executing carrier does not use the information obtained for any marketing purpose.

The commission should make the “freeze” of long distance wireline providers the default and require an affirmative action by the consumer to “unfreeze” it.

The “freeze” of long distance wireline providers should be the default and an affirmative action by the consumer should be required in order to “unfreeze” it.⁷ This default “freeze” should apply to all carriers.⁸ The freeze should also apply to all services the consumer has.

The commission should adopt a rule against cramming

The commission should adopt a rule against cramming.⁹ Truth-in-billing rules¹⁰ will help detect cramming, but do not prohibit it. Section 201 (b) of the Act provides the commission with the authority to regulate and prohibit charges that are not “just and reasonable”.¹¹

The commission should adopt a definition of “cramming” and “telephone bill”

If the truth-in-billing rules use the term “cramming” then that term should be defined.¹²

The term “telephone bill” is used in the regulations.¹³ Therefore that term should be defined. A consumer may receive information about the bill in two different ways: there is the bill from each billing cycle (typically one month), printed on paper, that the consumer receives in the mail. The consumer may receive this bill electronically, in place of or in addition to the paper bill, once each billing period. The other type of information the consumer may receive is a real time indication of the charge, typically by logging in to the carrier’s website.

The commission may provide different rules for each type of “bill” and, if the requirements are different, define each type.

⁵ NPRM paras. 22-29

⁶ 47 U.S.C. § 222, *see* § 222(b) and § 222(d)(2)

⁷ *See* NPRM para. 14

⁸ *See* NPRM para. 15

⁹ *See* NPRM para. 13

¹⁰ 47 CFR §64.2401

¹¹ 47 USC 201(b)

¹² *See* NPRM Para. 13

¹³ 47 CFR §64.2401(a)

Conclusion

I thank the commission for the opportunity to comment and urge the commission to adopt rules to help stop the practices of slamming and cramming.

Respectfully submitted

/s/John A. Shaw